

A recessed meeting of the City Planning Board was held on March 30, 2004 in the City Council Chambers at 37 Green Street at 7:00 PM.

Present at the meeting were Members Drypolcher, Kuhlman-Brown, Swope, Walker, and Alternate Member Allberg. The Board's Clerk, Mr. Woodward, as well as Assistant City Planner Henninger, of the City Planning Division, were also present.

At 7:00 PM a quorum was present and the Chair called the meeting to order.

DEVELOPMENTS OF REGIONAL IMPACT

The Clerk reported there were no new applications to be considered under Developments of Regional Impact. The Board had previously declared the Site Plan applications on behalf of **Two Loudon Developers LLC**, and on behalf of **Berkshire Development LLC**, to be of Regional Impact and the Clerk noted that notices for both hearings had been given in accordance with RSA 36-A

ACCEPTANCE OF APPLICATIONS

The Chair asked that the Board consider applications for approval of subdivisions, resubdivisions and site plans to determine whether they were complete in accordance with the regulations of the Board. The Board was advised by the Clerk that the Site Plan applications on behalf of **Two Loudon Developers LLC**, and on behalf of **Berkshire Development LLC**, had been determined to be complete at the regular meeting of March 17, 2004, and accordingly, had been set for public hearing this evening.

Site Review Pursuant to RSA 674:54, Government Land Uses

1. **The NH Department of Motor Vehicles** for a proposal for an addition to the existing facility on **Hazen Drive**.

Public Hearing

Mr. Henninger explained that this application and the following two applications were submitted to the Board under the terms of RSA 674:54 wherein the State must notify a municipality of proposed new state governmental uses or substantial changes in existing state governmental uses, and that the local planning Board may hold a public hearing thereon, and the Board may issue written comments to the applicable state agency relative to the level of conformity with normally applicable land use regulations.

Mr. Henninger then explained that this project involves an addition to the recently completed Motor Vehicle Licensing and Testing Facility on Hazen Drive with the addition expanding that facility by at least two and ½ times. The "addition" is estimated at 34,060 square feet which will be supported by an additional 287 parking spaces. The addition will mimic the existing building in appearance and will consist of two stories with a partial basement.

He cited the following concerns and issues with this proposed project:

- No landscaping plan has been provided. .
- The proposed new building will result in an increase in traffic of 394 trips per day.
- The application conforms to the Zoning Ordinance with the exception of the required parking lot landscaping in regard to the number of trees planted and possibly the amount of internal parking lot landscaping provided.
- An NHDES Site Specific Permit and an NH DES Sewer Discharge Permit need to be obtained as well as an EPA Permit for disturbing one (1) acre or more of land area.
- The City of Concord in June of 2002 formally requested that the State of NH to improve access to Office Park East. The City Planning Board advised: “The intersection most in need of improvement is the east end of Hazen Drive at East Side Drive (NH 132). The State of NH should be considering the timely relocation and reconstruction of Hazen Drive with the eastbound ramps at Exit 2 at I-393 to support existing and future expansions at Office Park East”.
- The City Planning Board advised the State in June of 2002 that the: “The elevations of the proposed building (now complete) are not in keeping with the style and appearance of the existing office buildings on the campus nor is the appearance of the building appropriate for such a significant public building.” The architectural plans received for the addition are intended to match the existing building in many of its features.

Matthew Moore, Administrator of the New Hampshire Division of Public Works was present, together with Robert Smith, Project Manager, on behalf the NHDPW. Mr. Moore explained that this is a design/build project so that it is difficult to present plans at an early stage. He indicated that there is an allowance of \$25,000 for landscaping in the bid package. He also explained that NHDOT had promised the landowners that their property on East Side Drive opposite the I-393 ramps would not be condemned to facilitate the re-alignment of Hazen Drive, but that NHDOT would pursue the re-alignment when these properties became available. Mr. Moore explained that the personnel and programs of the DMV will be consolidated on this site, and that the floor space currently used by DMV would be replaced by laboratories for the NH Department of Health and Human Services.

There were no members of the public speaking for or against the proposed site development. There were no further questions or comments and the Chair declared the hearing closed at 7:20 PM.

Deliberations and Action on Application

Mr. Swope moved and Ms. Walker seconded that the Board convey to the State of New

Hampshire, the City Council, and Concord's Legislative delegation, the following comments:

- 1 The City of Concord believes that the State of New Hampshire needs to improve its access to this growing campus. The intersection most in need of improvement is the east end of Hazen Drive at East Side Drive (NH 132). The State of NH needs to appropriate funds for the design, relocation and reconstruction of Hazen Drive with the eastbound ramps at Exit 2 at I-393 in order to support existing State uses and future expansions at "Office Park East".
- 2 A landscape plan meeting City of Concord Zoning regulations for the existing and expanded parking lot should be prepared and implemented.

Motion carried.

2. **The NH Department of Transportation** for a proposal for a 30,350 square foot building and 600 square foot exterior loading dock for the Bureau of Materials and Research on **Hazen Drive** adjacent to the **John O. Morton Building**.

Public Hearing

Mr. Henninger explained that this application involves a new building to be constructed immediately southeast of NHDOT Administration Building on Hazen Drive. The proposed two-story brick building will include 30,350 square feet of office, storage and laboratory space. The building will be supported by an additional 48 parking spaces.

He cited the following concerns and issues with this proposed project:

- No landscaping plan has been provided.
- No drainage study has been provided.
- The proposed new building results in an increase in floor area of 30,650 square feet which would result in an increase in traffic of 354 trips per day.
- The application conforms to the Zoning Ordinance with the possible exception of the required parking lot landscaping in regard to the number of trees provided and the amount of internal parking lot landscaping provided.
- An NHDES Sewer Discharge Permit needs to be obtained as well as an EPA Permit for disturbing one (1) acre or more.
- The City of Concord in June of 2002 formally requested that the State of NH should improve its access to Office Park East. The City Planning Board advised: "The intersection most in need of improvement is the east end of Hazen Drive at East Side Drive (NH 132). The State of NH should be considering the timely relocation and reconstruction of Hazen Drive with

the eastbound ramps at Exit 2 at I-393 to support existing and future expansions at Office Park East”.

Matthew Moore, Administrator of the New Hampshire Division of Public Works was present, together with Michelle Juliano, Project Manager, on behalf the NHDPW. Mr. Moore stated that this project was a traditional design and bid project; however, the landscape design had not yet been completed but they will provide copies to the City as soon as the design is complete.

There were no members of the public speaking for or against the proposed site development. There were no further questions or comments and the Chair declared the hearing closed at 7:30 PM.

Deliberations and Action on Application

Mr. Swope moved and Ms. Walker seconded that the Board convey to the State of New Hampshire, City Council, and Concord’s legislative delegation, the following comments.

- 1 The City of Concord believes that the State of New Hampshire needs to improve its access to this growing campus. The intersection most in need of improvement is the east end of Hazen Drive at East Side Drive (NH 132). The State of NH needs to appropriate funds for the design, relocation and reconstruction of Hazen Drive with the eastbound ramps at Exit 2 at I-393 in order to support existing state uses and future expansions at “Office Park East”.
- 2 A landscape plan meeting City of Concord Zoning regulations for the existing and expanded parking lot should be prepared and implemented.

Motion carried.

3. **The NH Department of Transportation** for a proposal for 86,000 square feet of buildings, 7,700 square feet of unheated storage sheds, and a refueling depot as part of a mechanical services facility on **Route 106**.

Public Hearing

Mr. Henninger explained that this project involves the substantial alteration of a site on the east side of NH Rte 106 immediately to the north of the NHDOT Traffic Bureau, as well as the realignment of the existing access drive to the state complex with the extension Regional Drive, the construction of 86,000 square foot building, the construction of 7,700 square foot heated storage shed, and an automated fueling facility. These facilities are being relocated from the current NHDOT complex on Stickney Avenue.

The development will include parking for 132 passenger vehicles, 33 heavy trucks, and overflow truck parking for vehicles waiting to be processed. In addition, service bays for 35 vehicles are being provided, many of them being designed for large trucks.

He cited the following concerns and issues with this proposed project:

- No landscaping plan has been provided.
- The State is proposing to impact wetlands by filling part of a small intermittent stream which crosses the site east to west from Rte 106.
- No drainage study has been provided.
- The proposed new traffic generated by this facility has not been estimated. The site traffic will exit onto NH Route 106, a State-maintained highway, at a new signalized intersection with Regional Drive, scheduled for construction in 2005 concurrent with the construction of this facility.
- The application conforms to the Zoning Ordinance with the exception of the required parking lot landscaping in regard to the number of trees provided and the amount of internal parking lot landscaping provided.
- NH DES Site Specific and NH DES Sewer Discharge Permits need to be obtained as well as an EPA Permit for disturbing one (1) acre or more.
- A serious water supply issue existing at this site in regard to meeting fire flows and the unique demands being generated by the abutting NH Fire Training Facility. The General Services Department (GSD) has advised that we must require a control valve at the entrance to the Fire Training Academy. The General Services Department has requested a flow restrictor be placed at Rte 106 to limit the flow into this State complex. The Department has advised that they will install the restrictor if the State does not.
- This site sits on the largest fresh water aquifer in Central New Hampshire and possibly the largest in the state. The City Council recently amended the Zoning Ordinance to eliminate fueling stations from this part of the City as a permitted use as a precautionary measure to protect this valuable resource. The unmanned automated fueling facility has raised concerns as it is upstream of the Pembroke well fields. He suggested that the City of Concord request the State to submit a "Best Management Practices" report. Funding for this work is available from the Gasoline Remediation and Elimination of Ethers (GREE) Fund, under state statute RSA 146-G.II. Tertiary protection measures should also be considered at this site.

Matthew Moore, Administrator of the New Hampshire Division of Public Works was present, together with Michelle Juliano, Project Manager, on behalf the NHDPW. Mr. Moore noted that this project is also a design/build project and the plans are not complete at this time, but there is an allowance for landscaping that will focus on heavy screening along Route 106. He indicated that they will not move the driveway until the intersection of Route 106 and Regional Drive is ready, and they do propose to move the existing water valve to a location consistent with discussions with the City staff. He also stated that they will pursue a review of "Best

Management Practices” with regard to the operation of the fueling facility so as to ensure that the aquifer will be protected from contamination by fuel spills.

There were no members of the public speaking for or against the proposed site development. There were no further questions or comments and the Chair declared the hearing closed at 7:52 PM.

Deliberations and Action on Application

Mr. Swope moved and Ms. Walker seconded that the Board convey to the State of New Hampshire, City Council, and Concord’s legislative delegation, the following comments:

- 1 Serious water supply issues exist at this site in regard to meeting fire flows and the unique demands being generated by the NH Fire Training Facility. Concord’s General Services Department (GSD) has advised that a control valve is necessary at the entrance to the Fire Training Academy or else the activities on this site might deplete the water supply for the Steeplegate Mall and surrounding area. The City staff met with State representatives over a year ago and it was staff’s understanding that a water control valve would be installed with this project. If such a valve is not included, the GSD will have to take action to install a control valve and limit the amount of water delivered to this site.
- 2 A landscape plan meeting City of Concord Zoning regulations for the existing and expanded parking lot should be prepared and implemented.
- 3 The appearance of the facility from NH 106 is of serious concern to the City. As private property is developed and redeveloped the City has been working to improve the overall appearance of the City, especially at Gateways to the City. This is important to the City’s Economic Development efforts as well as the desire to enhance the overall appearance of the community. Recognizing the functional nature of this facility, it is recommended that a berm and/or wall, as well as landscaping be provided along the Rte 106 frontage, at a height adequate to screen as much of the view into this site as possible from passenger cars traveling along NH 106.
- 4 The NH DOT should prepare a "Best Management Practices" report for the automated fueling facility, and implement all recommended “Best Management Practices” to prevent fuel spills from contaminating the underlying aquifer.

Motion carried.

Site Plan Review

4. Application by **Epsom Corner II, LLC, 103 Old Loudon Road Trust, David Lee & Mary Kibbee-Lee, Edwin W. Sleeper Trust, Don Forgey, and Marylee Welcome Forgey Johnson**, on behalf of **Two Loudon Developers LLC**, for approval of a site plan for property off **Loudon Road**.

Public Hearing

Mr. Henninger explained that this project involves the development of a retail complex containing a total of 242,651 square feet of floor area in seven (7) buildings located at the intersection of Break O' Day Drive and Old Sheep Davis Road located between Loudon Road and I-393. The combined properties are located within the Gateway Performance (GWP) District and the Medium Density Residential (RM) District but all development proposed is within the GWP District.

He indicated that the applicant will be petitioning for the discontinuance of Break O' Day Drive and signaling the main project entrance on Loudon Road opposite Old Sheep Davis Road. The applicant will need to retain all existing public utilities within the current Break O' Day Drive and provide an appropriate easement. The applicant will be significantly re-grading the site with a maximum cut of 50' and a maximum fill of 20'. A total of 1309 parking spaces are proposed with 555 new trees to be planted. The developer is proposing to grade within the I-393 right-of-way and utilize the NHDOT's right-of-way southeasterly of the site for drainage purposes.

Mr. Henninger also noted that approximately 30,000 square feet of wetland located on the site are proposed for elimination. The applicant is proposing to purchase and convey for conservation purposes a 20-acre site north of Locke Road as mitigation.

He cited the following concerns and issues still in need of resolution:

- Much of the site will require private water booster pumps to provide satisfactory fire and domestic flows.
- The application does not conform to the City's requirement that post-development offsite drainage flows match pre-development flows.
- The visual impacts of this project to I-393 have not been addressed.
- An offsite mitigation plan for the traffic impacts associated with the project has been prepared but needs further review and analysis by the City and NH DOT.
- A recommendation is needed from the Conservation Commission in regard to the wetland impacts and the proposed mitigation plan.
 - Extra measures need to be undertaken at the southeast corner of the site to address lighting spillover effects onto two existing residences and a future residential redevelopment site.
 - Provisions should be made to address the proposed removal of two historic structures on the site.

- The width of the utility right-of-way across the site from Loudon Road may need to be in excess of 66 feet in width over portions of the site given the large number of parallel underground utilities.

John Sokul, attorney for Two Loudon Developers LLC, and David Dumeer, Project Manager for Developers Realty of West Hartford, Connecticut, appeared on behalf of the applicant. Attorney Sokul reviewed the status of the site in terms of the Master Plan and Zoning ordinance, referred to actions of the Zoning Board of Adjustment taken with regard to this application, and provided copies of a letter from RKG Associates reviewing the fiscal impact of this proposed development. He also addressed traffic impacts and wetland impacts, and expressed the need for careful coordination between this development and the proposed gas main expansion of KeySpan Energy Delivery within Break O' Day Drive. He also noted that this application would be presented in two phases: the first being the Site Plan, and second, the building elevations and signs for Architectural Design Review, which would be brought forth as tenants were committed to the project,

David Dumeer provided some background information on his company, spoke about the historic structures on the site and their intent to have these structures moved off of the site, and addressed the water pressure issues at this site. In response to a question from Mr. Swope, Mr. Dumeer explained the proposed site re-grading and visibility from I-393, and the architectural treatment for the backs of the buildings facing I-393. He noted that the total proposed floor area is about half the size of Steeplegate Mall.

Larry Grossman of ADD, Inc., architectural consultants to the applicant, spoke about the roof lines as viewed from I-393 and displayed graphics of his design concepts for the proposed buildings.

Pat Gorman, of LRC, and Marc Vanson, of Burd Engineering, engineering consultants to the applicant, addressed the proposed drainage design for the site, site grading and landscaping, and utility services.

John Forestall of Hoyle Tanner Associates, and water consultant to the applicant, then addressed the water pressure issues on the site and the proposal for a private pump station to assure adequate domestic and fire flows for this project.

Peter Schauer, a wetland scientist, and consultant to the applicant, addressed the wetland impacts and the proposed mitigation which consists of preserving a 20-acre parcel at the north end of Locke Road. Ms. Kulhman Brown inquired if the applicant had sought a mitigation more in proximity to the impacted wetlands, and Mr. Schauer responded that there was nothing available, particularly that provided the requisite ratio of upland and wetlands required by the New Hampshire Department of Environmental Services (NHDES). Mr. Allberg questioned the development potential of the Lock Road site, and Mr. Schauer indicated that about 6.5 acres of the site were upland but that the configuration of those acres were such that development would be difficult.

Jeff Dirk of Vanasse and Associates, traffic consultants to the applicant, described two studies conducted for this project which looked at traffic growth over the next ten years. He indicated that they expected one-third of the traffic related to this site to come and go from I-393. Ms. Kuhlman Brown inquired as to how much traffic would come and go to the west on Loudon and he indicated about 25%. She asked about mitigation of this traffic impact to Loudon Road and he noted that D'Amante Drive had been agreed upon as the westerly edge of the traffic studies. Ms. Kuhlman Brown indicated that she felt that this would compound problems on the portion of Loudon westerly of D'Amante Drive.

Carl Sargent of 306 Portsmouth Street, expressed concern about traffic impacts to Portsmouth Street and Old Loudon Road and suggested a right-out only at Old Loudon Road and Loudon Road.

James Garlo of the Word of Life Christian Fellowship on Old Loudon Road indicated that members of the congregation need to be able to take a left out of Old Loudon Road onto Loudon Road to obtain access to I-393.

Tim Lamphere, owner of Old Speedway Gardens indicated that his business needed the Old Loudon Road/Loudon Road intersection to remain a four-way intersection to allow for access and egress to his site. He noted that he now had two driveways and was willing to shut one in order to maintain access from that intersection.

There were no further questions or comments and the Chair declared the hearing closed at 9:52 PM.

Deliberations and Action on Application

Mr. Swope moved and Mr. Allberg seconded that the Board table action on this Site Plan application to allow the applicant to address the concerns expressed by the Board and the City staff, to allow the City staff and the City's consultants to review new information, to allow the Conservation Commission to complete its review and comment on the proposed wetlands impacts, and to submit information addressing the appearance of the project from I-393 and Loudon Road.

Motion carried.

Site Plan Review and Conditional Use Permit

5. Application by **Sandra Sanel & Diann Tillotson, Albert Stevens, Trustee of Old Loudon Road Realty Trust, Sumner H. Tilton, Trustee of the Sumner H. Tilton Revocable Trust, Ila C. & Fred A. Rivet, and 2600 Lafayette LLC**, on behalf of **Berkshire Development LLC**, for approval of a site plan for property at **295 & 317 Loudon Road** together with an application for a Conditional Use Permit pursuant to Section 28-4-3(d) of the Zoning Ordinance, Disturbance of Wetland Buffers.

Mr. Henninger explained that this project involves the development of a retail complex containing a total of 84,225 square feet of floor area in two buildings located directly across from Toys R Us on Loudon Road. One building will consist of a primary tenant with 52,800 square feet and a secondary tenant consisting of 6,660 square feet. The second building will contain a single tenant of 24,765 square feet. In support of this retail development the Toys R Us intersection will be signalized and turn lanes provided at the intersection. On site parking for 421 cars will be provided.

It is proposed that a driveway interconnection between this project and the Milano/Vincenza developments (Ruby Tuesday/Smokey Bones Restaurants) to the east will be provided. This will allow both developments to have access to the proposed signalized intersection across from Toys R Us on Loudon Rd. No access to this development will be provided from Old Loudon Road to the north.

A Conditional Use Permit (CUP) is required for disturbance to a wetland buffer pursuant to Section 28-4-3 9(d) of the Zoning Ordinance and a CUP is required pursuant to Section 28-7-11(f) of the Zoning Ordinance for driveway spacing alternatives.

The Milano Real Estate Associates have jointly applied for this project because of the driveway interconnection crossing the property line between the two developments.

He cited the following concerns and issues still in need of resolution:

- The City needs to verify that the eight (8) inch diameter sewer line across the site is sized sufficiently to handle future demands north of Old Loudon Road.
- Visual, sound and light related impacts to the abutting residences across Old Loudon Road are of concern including light spillover and glare from both the on-site lighting and the main tenant signs which will be highly visible from the abutting residences along Old Loudon Road and Portsmouth Street.
- A small readjustment of the storm drainage line on the west side of the property will be needed to eliminate all wetland buffer on the west side of the site.
- Additional right-of-way along the Loudon Road frontage on this property and the Milano property to the east will be required if a right turn deceleration lane is constructed at the signalized main entrance as shown on the conceptual improvement plan. The right turn in and out only driveway on the abutting Milano property will need to be closed if the proposed turn lane is constructed and the signal activated.
- The existing drive entrances are pedestrian unfriendly. The radii should be tightened and widths reduced to the minimum for truck turns similar to the Toys R Us drive across the street.

- The western most driveway exceeds the maximum width of 28 feet and the sidewalk along Loudon Road needs to continue past this entrance to the property line.
- A sidewalk gap exists along the south side of Loudon Road opposite this site. It is recommended that this gap be closed when this project is developed.
- The signage on the elevations cannot be above the first floor or higher than 25 feet above grade.

Richard Uchida, attorney for Berkshire Development, LLC, and Daniel Levine, Vice-President for Berkshire Development, LLC, were present on behalf of the applicant, and provided further details of the proposed project, addressed issues raised by the City staff, and responded to questions from the Board. The topics of discussion included landscaping, lighting, screening of loading docks, wetland impacts, traffic impacts, and delivery truck access and egress.

Bob Bollinger, traffic engineer with the offices of Stephen G. Pernaw, and consultant to the applicant, testified that 70% of the traffic to and from this site will be from the west on Loudon Road.

Raymond and Michael D'Amante, co-owners of the neighboring Milano/Vincenza project, indicated that the timing of the creation of Berkshire's new driveway proposed to be shared with the Milano/Vincenza project was absolutely critical to their project as the Smokey Bones restaurant is under construction and will need access in order to open. The difference in grades between the sites is such that if the shared driveway can't be installed in time for use by Smokey Bones, it will likely not be possible at a later time due to the re-grading.

Carl Sargent of 306 Portsmouth Street, an abutter to the site, expressed concern about access to the site being illicitly gained from Old Loudon Road. He further noted that screening is critical to the neighborhood along Old Loudon Road and Portsmouth Street, and he questioned the appropriateness of certain trees included in the proposed landscape plan. Mr. Sargent noted that he spoke on behalf of five adjacent property owners to the north who were all concerned about the views from their properties of rooftop equipment and illuminated signs within the proposed development.

Louis Caron of LC Engineering, and consultant to the applicants, explained certain proposed site grading details.

There were no further questions or comments and the Chair declared the hearing closed at 11:01 PM.

Deliberations and Action on Application

Mr. Swope moved and Ms. Kuhlman Brown seconded that the Board table action on the Site Plan application for the retail complex proposed by Berkshire Development LLC to allow the applicant to address neighborhood and abutter impacts in regard to light and noise pollution as

well as concerns with the driveway designs, to prepare a Loudon Road improvement plan, and to address the remaining staff concerns and comments.

Mr. Swope moved and Ms. Kuhlman Brown seconded that the Board table action on the Conditional Use Permits until final site plan consideration.

Motion carried.

ARCHITECTURAL DESIGN REVIEW

3. Consideration of applications for approval of developments and for sign and building permits in locations subject to the provisions of Section 28-9-4(f) of the City's Zoning Ordinance.

- a. Alterations to a previously approved site plan for **Hodges Development** for **Centerstone Apartments on Loudon Road**.

Mr. Woodward explained that the applicant's agent had forwarded a request for changes in the sidewalks from concrete to bituminous, and in curbing from granite to bituminous, on the site of this previously approved multi-family development which is now under construction. The Design Review Committee had considered this matter and indicated that where the curbs were directly adjacent to the sidewalks, that there should be either granite curbing with asphalt sidewalk or monolithic concrete curbs and sidewalks but not bituminous curbing and bituminous sidewalks. The Committee did not object to a change to asphalt curbing in locations where it would not be adjacent to a sidewalk.

Mr. Swope moved and Mr. Allberg seconded that the Board approve the requested change in materials subject to the recommendations of the Design Review Committee.

Motion carried.

The hour having grown late, the Board agreed to defer consideration of the items remaining on their agenda until the next regular meeting. It was noted that there may need to be a second meeting planned for April to address all of the applications and issues that will be coming before the Board.

Mr. Swope moved and Mr. Allberg seconded that the Board adjourn. Motion carried. The meeting adjourned at 11:08 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk